

1           IN THE UNITED STATES DISTRICT COURT  
2 FOR THE EASTERN DISTRICT OF PENNSYLVANIA  
3

4 CONSTELLATION NEW : CIVIL  
5 ENERGY, INC., : ACTION  
6 Plaintiff, :  
7 :  
8 V. :  
9 :  
10 POWERWEB TECHNOLOGIES, :  
11 INC., A-VALEY ENGINEERS, :  
12 INC. and LOTHAR E.S. :  
13 BUDIKE, JR., : NO. 02-CV-2733  
14 Defendants. : (HB)  
15 - - -  
16 January 30, 2004  
17 - - -  
18 Oral deposition of LOTHAR  
19 BUDIKE, P.E., held in the offices of Wolf  
20 Block Schorr and Solis-Cohen LLP, 1650  
21 Arch Street, Philadelphia, Pennsylvania  
22 19103 commencing at 10:00 a.m., on the  
23 above date, before Linda Rossi Rios, a  
24 Federally Approved Registered  
Professional Reporter and Notary Public  
of the Commonwealth of Pennsylvania.

COPY

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13           ESQUIRE DEPOSITION SERVICES  
14           1880 John F. Kennedy Boulevard  
15           15th Floor  
16           Philadelphia, Pennsylvania 19103  
17           (215) 988-9191

1 that New Energy would pay for this work?

2 A. I didn't know Energy -- I  
3 didn't know these people, so I don't  
4 know. I don't know what the agreement  
5 they were going -- my thing was Bell is  
6 going to pay somebody, and those  
7 somebodys are going to pay A-Valey.  
8 That's my idea.

9 Q. To the best of your  
10 knowledge, have you been paid for this  
11 work that you did that's been invoiced in  
12 New Energy 55?

13 A. No, sir. No, sir.

14 Q. Did you understand that the  
15 work that you were doing that is  
16 represented in New Energy 54 and 55 was  
17 being requested by Powerweb for the  
18 installation of Omni-Link at Bell  
19 Atlantic?

20 A. I beg your pardon?

21 Q. You understand that the work  
22 that you were doing in New Energy 54 and  
23 55 was being requested by Powerweb for  
24 the installation of Omni-Link at the Bell

1       Atlantic facilities?

2           A.       Yeah, I know that Powerweb  
3 requested that to be done. And in  
4 addition, Bell Atlantic requested. It's  
5 okay, go ahead.

6           Q.       The first invoice on New  
7 Energy 55 seems to be work that began on  
8 or about February 19, 2000?

9           A.       If that's written, that's  
10 correct.

11          Q.       How soon before that was the  
12 request made for you to start that work?

13          A.       I remember meeting them --  
14 sometime early in February. Early  
15 February. Early February. Because  
16 everything was -- remember I told you I  
17 give him which buildings they should go?  
18 So there was -- you know, things were  
19 really going hectic because of the site  
20 environmental problems with the  
21 generators, et cetera, et cetera. So I  
22 think the date was early February.

23          Q.       When you said things were  
24 going hectic, what do you mean?